**Oppose HB 527**

**Bad for Private Property Rights. Bad for Local Control. Bad for Montana**

**Proponents**: NONE!

**Opponents**: Montana Association of Realtors, Montana Association of Counties, and Citizens in Stillwater County, Montana Environmental Information Center

HB 527 would functionally eliminate citizen-initiated zoning (CIZ) districts for the entire state. These CIZ’s have been used to protect property rights well over 100 times across to the state from Ravalli County (that has 41 CIZ districts) to Richland County and many, many places in between.

Background

* Under 76-2-101 M.C.A., a group of landowners in southern Stillwater County did what other communities around this state have done countless times – tried to protect their property values by asking their county commission to form a Citizen-Initiated Zoning District (CIZ). They petitioned the County Board of County Commissioners to create a CIZ with a planning and zoning commission in accordance with the Stillwater County growth policy to maintain the rural residential and agricultural character of proposed district.
* The CIZ proposal did not try to prohibit oil and gas development, only limit its impact on property rights. It asks for fair oil and gas regulations to protect water, property values, and county infrastructure like roads and bridges.
* Over 60% of the landowners with over 50% of the land mass within the proposed zone signed the CIZ petition. A public hearing was held and the petitioners are now waiting for the county commissioners to decide whether the petition is “in the public interest or convenience,” and if so, the county commissioners would create a planning and zoning commission and appoint seven members, five of which are Stillwater County personnel including the three commissioners.
* District Judge Matthew Wald in September 2020 ruled that mineral rights owners were not required to reach the 60% threshold to initiate Part 1 zoning in Stillwater County. In the innumerable CIZ’s around the state, mineral owners have never been necessary to meet the threshold. Bill HB 527 attempts to overturn this ruling and long-standing statewide precedent and make it impossible for any future CIZ since it is cost prohibitive and nearly impossible to ascertain mineral rights owners for split-estates - even for small acreages.

HB 527 is misguided, and would severely impair the ability of county commissioners to govern their counties and its citizens’ health, safety and welfare. County commissioners already can reject these CIZ proposals. HB527 takes away that discretion and the legitimate rights of private property owners to protect their surface lands.